

**SHEILA JAMES KUEHL CHAPTERED LEGISLATION  
2004**

**CIVIL RIGHTS**

**SB 1234 – HATE CRIMES**

This measure updates, clarifies, and strengthens California's hate crime statutes regarding prosecution and sentencing, and increases law enforcement training requirements regarding hate crimes. The measure creates a more easily understandable standard definition of a hate crime and ensures that victims who are targeted for their association with a protected class are also covered by hate crime statutes. The measure also adds mosques and temples to the list of religious institutions protected against hate motivated violence and lowers the financial threshold for felony hate crime vandalism to an amount now set for felony vandalism. This law also makes it more likely that victims or witnesses of hate crimes will cooperate with prosecution by making it explicit that if an immigrant cooperates with the authorities and has not committed a crime under state law, he or she will not be turned over to the federal immigration authorities simply because they are out of status. SB 1234 also establishes punishment, crime and violence prevention, and restorative justice as the sentencing goals for hate crimes and requires the Judicial Council to develop a Rule of Court guiding hate crime sentencing. Finally, SB 1234 updates the training for law enforcement professionals by increasing training on special problems associated with identifying and responding to certain types of hate crime such as disability, homelessness, and gender bias crimes. **2004**

**SB 262 - DISABLED ACCESS ENFORCEMENT**

This measure addresses widespread non-compliance with California's disabled access laws by strengthening enforcement and education regarding those access standards. The measure allows public prosecutors to pursue civil penalties against building owners who have failed to comply with California's disabled access laws and also allows the State Architect's Office to create a "disabled access specialist" certification program to provide better training regarding access standards and to help building owners identify qualified advisors on disabled access issues. **2003**

**SB 302 – CALIFORNIA STATE UNIVERSITY AND DISABLED PERSONS**

This measure clarifies that the California State University system must follow existing legal protections for persons with disabilities. **2003**

**SB 577 – FEDERAL COMPLIANCE FOR PROTECTION AND ADVOCACY AGENCY**

This measure updated the law regarding California's protection and advocacy agency to reflect changes in federal law. The measure also expanded the scope of disabled clients who could receive state funded referral and public education services from the protection and advocacy agency to include those people with disabilities as defined by California's Fair Employment and Housing Act. **2003**

**SB 1301 – REPRODUCTIVE PRIVACY ACT**

This law establishes a constitutionally sound basis for the protection of reproductive privacy rights in California by incorporating the protections set forth in *Roe v Wade* into California

statute. It also provides greater access to the full panoply of legally sanctioned reproductive health services for women by providing that qualified health practitioners may carry out any procedures within the scope of their licenses. **2002**

#### **SB 1945 – STATUTE OF LIMITATION ON HATE CRIMES (RALPH ACT)**

This law extends the statute of limitations period for victims of hate violence who do not know the name of the person(s) who perpetrated the violence. The law changes the defined time to file a complaint from one year from the date the hate violence occurred to one year from the discovery of the name of the person(s) perpetrating the hate violence. In no event, however, may the filing be longer than four years from the date the hate crime occurred. **2002**

#### **SB 225 - DISCRIMINATION IN ATHLETICS**

This measure prohibits discrimination in interscholastic athletics on the same bases that discrimination is now prohibited in publicly funded schools: on the basis of national origin, religion, color, gender, mental or physical disability, and sexual orientation and includes safeguards to allow private religious schools to continue to play in interscholastic athletic leagues. It also ensures that parents and student athletes will receive adequate notice of the State and Federal civil rights remedies available to them when discrimination is alleged. Additionally, it allows formal discrimination complaints about the actions of interscholastic athletic associations and consortiums to be filed directly with the Department of Education rather than with a local school district. **2001**

#### **SB 257 - HATE CRIMES**

This law ensures that hate crime prevention is made a part of general school safety planning by requiring the inclusion of existing hate crime reporting procedures, and existing harassment and discrimination policies in the comprehensive school safety plan which schools are required to file with the Department of Education. Additionally, the law charges the School/Law Partnership with addressing hate crimes as part of their general crime prevention efforts. Finally, the law allows schools to apply for grant money through an existing safe school grant program for hate crime prevention on campus. **2001**

#### **AB 1856 - SEXUAL HARASSMENT**

This law makes individuals who engage in sexual harassment of their coworkers personally liable under the Fair Employment and Housing Act (FEHA) for their conduct. It effectively overturns the decision of the California Supreme Court in *Carrisales v. Department of Corrections* (1999) 21 Cal. 4<sup>th</sup> 1132. In *Carrisales*, the Supreme Court held that individual employees engaging in discriminatory harassment of their coworkers cannot be held liable for their actions under the FEHA although their employers and supervisors could be. Existing law already sends a strong message to employers that discriminatory harassment of employees will not be tolerated. AB 1856 ensures that employees get the same message. **2000**

#### **AB 2062 - FAIR EMPLOYMENT & HOUSING DEPARTMENT CLEAN-UP**

This law provides that prevailing party attorney's fees and costs, including expert witness fees, are available in housing discrimination claims brought before the Fair Employment and Housing

Commission except in cases brought by or against the state. It also allows an employer to transfer employment discrimination proceedings to court when the accusation contains a claim for emotion distress damages. **2000**

#### **AB 2222 - DISABILITY RIGHTS**

AB 2222 enacts the Prudence Kay Poppink Act. It clarifies that definitions of “mental disability,” “physical disability,” and “medical condition” may exceed federal law for the purposes of California’s civil rights laws. It limits an employer’s ability to require medical or psychological examinations, or make certain medical or disability-related inquiries; and requires an employer to engage in a good faith, interactive process to determine reasonable accommodations for a disabled employee or applicant. **2000**

#### **AJR 64 - IRANIAN JEWS**

This measure condemns the arrest and show trials of 13 Jewish men and boys in Iran, urges the US government to take all possible diplomatic, political, and economic measures to protest the show trials, and urges the Islamic Republic of Iran to impose no punishment or penalty on the 13 Jews and to immediately and unconditionally release them. **2000**

#### **AB 537 - CALIFORNIA STUDENT SAFETY & VIOLENCE PREVENTION ACT OF 2000**

This safe schools legislation prohibits discrimination and harassment in education on all the same bases used in the definition of hate crimes under Penal Code Section 422.6 (a). This includes prohibitions against discrimination on the basis of actual or perceived race, color, religion, ancestry, national origin, disability, gender, or sexual orientation and applies to all educational institutions that receive state funding. Religiously controlled schools, colleges and universities are exempt. **1999**

#### **AB 1670 - CALIFORNIA CIVIL RIGHTS AMENDMENT OF 1999**

Amongst other provisions, AB 1670 applies protections against sexual harassment to contract workers, requires workplace accommodation for pregnant employees, and expands the prohibition against discrimination on the basis of mental disability to include employers of five or more employees. This comprehensive reform to the Fair Employment and Housing Act (FEHA) and other civil rights statutes coincided with the fortieth anniversary of FEHA. The law was sponsored by the Fair Employment and Housing Commission, the Attorney General’s Office, the Commission on Civil Rights, and the California Labor Federation. **1999**

#### **AB 499 - ENFORCEMENT OF EDUCATION DISCRIMINATION VIOLATIONS**

This law requires students to exhaust administrative remedies prior to the pursuit of civil litigation and limits the time it can take. Contrary to guidelines established by regulations, the administrative grievance process can take more than a year to exhaust, effectively precluding the student from pursuing civil remedies, because of the one year statute of limitation on sexual harassment and other discrimination complaints. **1998**

### **AB 199 - GENDER HATE CRIMES**

This law strengthens the provisions of California's hate crimes statutes under which hate crimes based on gender are prosecuted. California law currently provides penalty enhancements for violent crimes that are hate-based and motivated by a victim's actual or perceived race, color, religion, ancestry, national origin, disability, gender, or sexual orientation. This bill clarifies that hate crimes committed because the perpetrator deems the victim's appearance or behavior gender-inappropriate are gender hate crimes under the law. The bill also adds gender into hate crime statutes where it is missing. **1998**

### **AB 1624 - EXEMPTION FROM STATE TAX FOR NAZI REPARATIONS**

This law conforms state tax law to federal tax law regarding a tax exemption for individuals who receive reparations because of Nazi confiscation of property. **1996**

### **AB 2140 - BANNING PLACEMENT OF HATE LITERATURE IN CONSUMER PRODUCTS**

Hate groups, who were inserting pamphlets containing racial and ethnic slurs in cereal and cracker boxes on grocer shelves, were evading prosecution because they were not held to be tampering with the inner safety seals. The hate materials typically depicted graphic acts of violence and contained messages that any reasonable person would find highly offensive. These groups discovered that by rolling up their pamphlets and slipping them inside the flaps of cereal and cracker boxes without damaging the inner seal, they could avoid laws banning vandalism as well as tampering. This law makes specific tampering a misdemeanor unless done with the permission of the manufacturer or store owner. **1996**

## **FAMILY LAW**

### **SB 1407 – SEPARATE PROPERTY CONTRIBUTIONS TO COMMUNITY PROPERTY**

This measure allows for reimbursement of separate property acquired prior to a marriage that was contributed to the community property in the event of dissolution. Reimbursement is allowed only if assets exceed the separate property contribution. **2004**

### **SB 97 – CHILD SUPPORT**

This law abrogates the *Dupont* decision and clarifies that the Legislature did not intend to halt the accrual of interest on unpaid child support arrearages where the court issues an order that simply calculates the amount of past due support owed under a prior order and sets a monthly amount to reduce those arrearages. The *Dupont* appellate court decision had the undesired effect of rewarding an obligor who had failed to pay child and spousal support payments by relieving him of paying interest on his unpaid support balance. This decision has resulted in inconsistent application by courts on when an obligee is entitled to interest on missed support payments and has created a perverse incentive for an obligor to skip support payments and go to court so that interest would stop accruing on the unpaid balance. Furthermore, the *Dupont* decision was not being applied uniformly from county to county and from court to court, resulting in inconsistent treatment of similarly situated parents and children. Finally, the law allows the Department of Child Support Services to continue its comprehensive study on ways to improve the collectibility

of child support arrearages, including the impact that interest charges have on the likelihood of collecting child support. **2002**

#### **SB 174 – MEDIATION PROCEEDINGS**

This law, as originally drafted, would have transferred the California Parent Locator Service and the Central Registry from the Department of Justice to the Department of Child Support Services. Since this language was incorporated into a comprehensive Assembly Judiciary Committee bill, AB 3032, that was subsequently signed into law, this bill, in its chaptered version, directs Judicial Council to select at least four large counties from among volunteer counties which will adopt a confidential mediation program. The program must offer one round of mediation that is confidential, which can be followed by recommending mediation if the first round fails. The second mediator, however, must have no prior involvement. Mediators are permitted to inform the court of issues that remain unresolved, but may not make reference to either party. They may also request protective orders and temporary custody orders if necessary to protect the child from Domestic Violence. **2002**

#### **SB 78 – PREMARITAL AGREEMENTS**

This measure requires that a person waiving future rights to spousal support in a premarital agreement be represented by independent legal counsel. It lists specific criteria for a court finding that an agreement was entered into voluntarily. In order to find that a premarital agreement was signed voluntarily: the party signing the agreement must have been advised to seek legal counsel and had at least 7 days to seek counsel prior to signing the agreement. Furthermore, if a party does not wish to be represented by counsel, that right must be waived in a separate writing. Finally, there must be a clear explanation of the rights and obligations that are being waived, and the explanation must be in a language in which the signing party is proficient. **2001**

#### **AB 1358 - CHILD SUPPORT CLEANUP**

This law makes technical changes to the reforms enacted in AB 196. Shelley & Kuehl. **2000**

#### **AB 2464 - PRIMACY OF DEPENDENCY COURT IN FAMILY LAW**

This law provides that any custody or visitation order issued by the juvenile court at the time the juvenile court terminates its jurisdiction shall be a final order and must remain in effect after that jurisdiction is terminated, and must not be modified in a proceeding in family court unless the court finds it is in the best interests of the child or that there has been a significant change in circumstances. **2000**

#### **AB 2913 - COMMUNITY PROPERTY**

This law creates the title of “community property with the right of survivorship.” Property taken in this form would possess all the same rights and liabilities of community property, except that on the death of a spouse the surviving spouse would acquire the deceased spouse’s share of the property without probate. **2000**

### **AB 196 - CHILD SUPPORT ENFORCEMENT REFORM**

This law substantially reformed California's existing child support enforcement program to make child support enforcement a top priority for the State of California. It greatly increased accountability and responsibility for the program by all levels of government, and created an effective child support system that maximizes collection and delivery of child support to the children and families to whom it is owed. It created a new state Department of Child Support Services whose sole mission and responsibility is the administration of California's child support program. It transferred responsibility for the operation of the child support program at the local level from the offices of the district attorneys to new county departments of child support services, which are dedicated solely to managing the child support program. And finally the law, for the first time, ensured a consistent, uniform, statewide child support program by requiring the new department to develop uniform forms, policies and procedures, and to evaluate and implement proven best practices for the establishment and enforcement of paternity and support orders as well as best management practices for structuring an effective, efficient child support program. **1999**

### **AB 1671 - FAMILY LAW OMNIBUS BILL: CHILD CUSTODY AND CHILD SUPPORT**

This law makes a wide variety of changes to child support and child custody laws in order to comply with federal law, correct inaccurate code references, provide consistency within the law, and make other technical amendments. With regard to child custody, this law prohibits a court from looking at a parent's short-term absence from the home in determining who should be entitled to custody of the child if the party makes reasonable efforts to maintain regular contact with the child, or if the parent is absent from the home because of acts of actual or threatened domestic violence. With regard to child support, this law, among other things, provides that a lien shall arise by operation of law against personal property for overdue support owed by a noncustodial parent, and strengthens provisions of existing law allowing the court to order child support payments be made through electronic funds transfer. **1999**

### **AB 2169 - CHILD SUPPORT CLEANUP**

This law makes numerous conforming changes to federal child support law. These include clarification of the assignment of health insurance for children; changes in the way data are kept for the voluntary paternity establishment program; and expansion of the New Hire Registry to include union halls. **1998**

### **AB 573 - CHILD SUPPORT COLLECTIONS**

This law allowed district attorneys to transfer responsibility to the Franchise Tax Board for monitoring and collecting child support from current support obligors through wage withholding. It also ensured immediate action in enforcing support obligations should a non-custodial parent become delinquent. The law also contained other non-controversial provisions required by federal welfare reform. (See also AB 196 of 1999) **1997**

### **AB 2149 - DEFAULTS IN DIVORCES**

More and more Californians are representing themselves in divorce proceedings and, under current procedures for default and uncontested family law cases, there are a number of ways in which one of the may easily commit fraud. When fraud is committed by taking the default of a

party who has never been served or given notice that a hearing is being held and judgment rendered, it can be months or years before the defaulting party even learns of the judgment. To prevent fraud, this law requires the court clerk to mail certain legal documents to the defaulting spouse so that returned undelivered mail notifies the court that proper notices were not received. Secondly the spouse filing the divorce papers must estimate the gross income of both parties if there are children and the value of community property. Finally, the law requires the signature of the defaulting spouse to be notarized on any marital settlement agreement. **1996**

#### **AB 413 - POST JUDGMENT DISCOVERY OF EARNINGS**

This law directs the Judicial Council to develop a form to elicit salary information from an employer of a parent or spouse in an action for child or spousal support and allows the completion of the form to be admissible as evidence. **1995**

#### **AB 554 - CHILD SUPPORT: JUDGMENT LIENS**

This law allows a judgment lien to extend to a modified judgment for child, family, or spousal support without having to file an additional abstract of support judgment. Because of federal legislation, child support orders are now being modified more frequently. This law alleviates the problem by allowing the first lien to be extended to a modified judgment without the necessity of filing another abstract. The law was estimated to save counties more than \$2,250,000. **1995**

#### **AB 1515 - CHILD SUPPORT ENFORCEMENT TOOLS**

This law re-enacts a code section that allowed child support obligees to pay a small fee and go through the State Controller to intercept tax funds and lottery winnings of obligors. **1995**

### **DOMESTIC VIOLENCE**

#### **SB 1441 – DOMESTIC VIOLENCE SUPPORT COUNSELOR**

This measure provides that a victim of domestic violence or abuse has the right to have a domestic violence counselor and a support person of his or her choosing present at interviews by law enforcement authorities, district attorneys, or defense attorneys, and must be notified of that right either orally or in writing prior to the commencement of an initial interview. **2004**

#### **SB 265 – CLARIFICATION OF REBUTTABLE PRESUMPTION IN CHILD CUSTODY**

This measure clarifies what constitutes a finding of domestic violence for purposes of the statutory rebuttable presumption against custody to a batterer. It provides that violation of a restraining order may be considered in determining whether a perpetrator of domestic violence has overcome the presumption, including a violation that occurs when the perpetrator is not on parole. It states that the general preference in favor of continuing contact with both parents cannot be used in whole or part to rebut the presumption. Finally, it requires the court to inform litigants concerning the presumption in any custody case where one party has alleged that the other party has committed domestic violence. **2003**

#### **SB 399 – FOREIGN PROTECTIVE ORDERS**

This measure conforms California law to the model national code regarding the enforcement of foreign protective orders. **2003**

**SB 1505 – TEEN DATING VIOLENCE & CHILD WELFARE SERVICES**

This law requires that all Child Protective Service (CPS) workers be trained to recognize the indicators and effects of adolescent dating violence. By training CPS workers on such indicators, teen victims of dating violence will be identified and referred to appropriate medical and mental health services with greater frequency. Research has shown that adolescents experience violence in their relationships as often, if not more, than their adult counterparts. A third of all teenagers will experience some degree of dating violence. Most CPS workers already take part in an extensive statutorily required training program, which includes domestic violence training. The addition of information particular to adolescent relationships is critical. **2002**

**SB 1627 – DOMESTIC VIOLENCE RESTRAINING ORDER SYSTEM**

This law sets out a clear protocol by which law enforcement agencies and the courts can enter proofs of service electronically into the Domestic Violence Restraining Order System. **2002**

**SB 66 - COURT COMMUNICATION**

This measure requires courts ruling on applications for domestic violence restraining orders to search specified readily accessible state, federal, and local databases, subject to available funding, for information on criminal convictions or active restraining orders issued against a presumed perpetrator. In addition, if the database search turns up information concerning outstanding arrest warrants or parole violations, the court could then communicate that information to local law enforcement officials. Prior to the enactment of this law, no search was done despite the fact that criminal records—such as criminal history, probation or parole history, outstanding warrants and protective orders—were being maintained at the local, state, and federal levels for law enforcement uses. By requiring that courts use this information to decide whether or not to grant a restraining order, this law increases the likelihood that orders may be authorized against those with a violent history against other victims. **2001**

**AB 840 - DOMESTIC VIOLENCE: CHILD CUSTODY**

This law creates a rebuttable presumption against granting custody of a child to a batterer. Prior law assumed that joint custody is best for the child and required the victim of domestic violence to carry the burden to prove that joint custody should not be ordered. Since victims often do not have the means to litigate successfully, the prior law often resulted in batterers receiving significant custody rights. AB 840 shifts this burden to the batterer to prove that he or she is the best parent to obtain custody once domestic violence has been proven. **1999**

**AB 2177 - RESTRAINING ORDERS CLEANUP**

This law clarifies that foreign protective orders in domestic violence cases are immediately enforceable. **1998**

**AB 2700 - JUDICIAL COUNCIL STUDY OF DOMESTIC VIOLENCE COURTS**

This law directs the Judicial Council to study the various ways that local jurisdictions are employing specialized domestic violence courts and to make a recommendation to the Legislature as to the advisability of establishing these courts statewide. **1998**



### **AB 200 - CHILD CUSTODY AND DOMESTIC VIOLENCE**

This law requires that the court's primary concern in making custody orders be the health, safety, and welfare of the child and that the perpetration of domestic violence in a child's home is detrimental to the child. Additionally, when allegations regarding drug, alcohol, or child abuse or domestic violence have been brought against a parent, and that parent is given custody anyway, the court must state its reasons in writing or on the record as to why such an order is in the best interest of the child. **1997**

### **AB 2155 - COURT ACCESS FOR UNACCOMPANIED TEEN VICTIMS OF DATING VIOLENCE**

Studies on teen dating violence indicate that the incidence of violence among teen couples is between 22% and 64%, with one well-respected study finding that 33% of high school youths were currently experiencing physical or sexual violence in their dating relationship. Because abusers often deliberately isolate their victims from the support of caring adults, young victims may not have a protective adult who can help them seek protective orders in court. This law allows minors over the age of 12 to appear in court without a parent, guardian, or guardian *ad litem* for the purpose of obtaining a domestic violence restraining order against an abuser with whom they have a dating relationship. **1996**

### **AB 2224 - ENHANCED PENALTIES IN DOMESTIC VIOLENCE**

This law allows prosecution for any violation of a family law restraining order such as stay-away orders or telephone contacts and provides for enhanced penalties for battery, to include a spouse, cohabitant, or parent of children in common. The law also aids the court in preventing domestic violence by making a wider range of protective orders enforceable; it makes all protective orders issued under the Family Code enforceable under the Penal Code. **1996**

### **AB 2231 - IMMUNITY FOR PEACE OFFICERS IN DOMESTIC VIOLENCE CASES**

Neither state nor federal law sufficiently immunized peace officers or prosecutors who act to enforce out-of-state protective orders. This law provides immunity to peace officers when an arrest is made pursuant to a domestic violence protective or restraining order issued in the state or out-of-state so long as their acts are within the scope of their employment. **1996**

### **AB 2474 - BEST INTEREST OF THE CHILD**

Children can be seriously injured by exposure to domestic violence even when they are not the direct victims of the abuse. Witnessing domestic violence in the home can cause psychological trauma, poor school performance, and repetition of violent behavior. Research has shown that 85% of the clients attending batterers' treatment programs either experienced or witnessed violence as children. Statistics also show a high correlation, in some studies as high as 75%, between spousal abuse and child abuse. This law adds the consideration of history of abuse by one parent against other family members for purposes of determining child custody. **1996**

### **AB 2647 - DEPENDENCY COURT & DOMESTIC VIOLENCE OMNIBUS BILL**

This law, recognizing the connections that can exist between domestic violence and child abuse, gives dependency courts some authority to address domestic violence issues when an abused child is brought under the court's protection. It establishes procedures by which child protection

agencies can identify the presence of domestic violence when investigating reports of child abuse. This law allows a battered parent with a child abused by a batterer to avoid losing custody of the child if the battered parent can present a plan, acceptable to the court, for providing for the safety of the child. It also provides for mandatory training on domestic violence for child protective services workers; authorizes the court to keep the battered parent and child's address confidential; and adds certain protective orders into the Domestic Violence Restraining Order Registry. **1996**

#### **AB 231 - DOMESTIC VIOLENCE – PRISON TERMS: COMMUTATIONS**

This law allows the Board of Prison Terms to consider a broader range of prisoners' abusive experiences, rather than a narrow interpretation of "battered woman syndrome" in recommending commutations or pardons to the Governor. **1995**

#### **AB 233 - DOMESTIC VIOLENCE – PROTECTIVE ORDER REGISTRY**

This law clarifies that all domestic violence restraining orders whether issued in domestic violence action, dissolution actions, or actions for the establishment of paternity, issued by courts of other states, or issued under the Workplace Violence Safety Act are included in the California Domestic Violence Restraining Order Registry. The law also adds both custody and visitation orders to the Registry pursuant to those restraining orders. **1995**

#### **AB 965 - DOMESTIC VIOLENCE: CONTEMPT: FEES**

This law helps individuals representing themselves without legal assistance by requiring the Judicial Council to develop a form, along with consumer-friendly instructions for completion, for those who are filing affidavits of facts that constitute contempt of restraining orders in domestic violence cases. **1995**

### **JUVENILE LAW**

#### **SB 1178 – TEEN PARENTS IN FOSTER CARE**

This measure establishes legislative intent regarding the importance of ensuring that teen parents in foster care and their babies should, whenever possible, be placed together, and that child welfare must ensure that the minor parent and the baby are supported as a family and are given every opportunity (without jeopardizing the safety of the child) to remain an intact family. **2004**

#### **SB 1313 – CHILD ABUSE REPORTING**

This measure implements unanimous recommendations made by the Child Abuse and Neglect Reporting Act Task Force. It implements several statutory amendments that clarify what actions constitute reportable child abuse; makes clear the responsibilities of mandated reporters; and clarifies when access to the Child Abuse Central Index (CACI) should be granted. **2004**

#### **AB 2001 - CHILD CARE EMPLOYEE AGENCIES**

Trustline is an important tool, established to ensure that people who have been convicted of abusing children in the past will never be entrusted with the opportunity to do so again. Trustline allows potential child care workers to be screened for certain criminal convictions or substantiated child abuse reports in the California Criminal History System and the Child Abuse

Central Index. This law prohibits an employment agency from placing a child care provider with a family, if the child care provider is not a Trustline applicant or a registered child care provider. A violation of this provision is a misdemeanor. The law also requires employment agencies to notify potential child care employers about Trustline. **1998**

#### **AB 2153 - PREVENTION OF PUBLIC ACCESS TO CHILD SEXUAL ABUSE PHOTOS**

This law governs the handling of photographs and video images of children that have been introduced as evidence in child sexual abuse cases. Increasingly, district attorneys are prosecuting cases of child sexual abuse where the perpetrator has taken explicit photographs of the child as part of the molestation. Although these photographs provide valuable evidence in the criminal prosecution, the victims, having been called on to identify the photographs in open court, often experience anxiety lasting into adulthood over what might happen to the exhibits after the trial. The law prevents public access to explicit photos of children introduced as trial exhibits and preserves the photos with the permanent record for future litigation. **1996**

#### **AB 2154 - CLARIFICATION OF JUVENILE COURT JUDGES' AUTHORITY TO ISSUE RESTRAINING ORDERS & INCREASE OF REVIEWS OF CHILDREN IN FOSTER CARE**

Juvenile Court judges have the power to issue restraining orders to protect a minor who is a ward of the court. Exactly when a judge may do this, however, was unclear. This law clarifies that the judge may issue orders once a dependency petition has been filled. The law also increases the frequency of status reviews of children in foster care from every 18 months to every 12 months. This latter provision conforms state law to federal law and provides additional protection for children. **1996**

### **ENVIRONMENTAL PROTECTION**

#### **SB 1214 – SALTON SEA CLEANUP**

This measure modifies the parameters of the Salton Sea Restoration Study that is to be conducted by the Resources Agency and the study's related advisory committee. Both the study and the advisory committee were created by SB 317 (Kuehl, 2003). **2004**

#### **SB 1264 – RESOURCE CODE**

This measure makes several technical and non-controversial changes regarding the Resource Code. **2004**

#### **SB 1265 – FISH AND GAME CODE**

This measure makes several technical and non-controversial changes regarding the Fish and Game Code. **2004**

#### **SB 1278 – FORESTRY AND FIRE PROTECTION**

This measure makes several technical and non-controversial changes affecting the State Board of Forestry and Fire Protection and the Department of Forestry and Fire Protection. **2004**

**SB 1334 – OAK WOODLANDS PROTECTION**

This act requires mitigation for the loss of oak woodlands for projects under the California Environmental Quality Act (CEQA). It establishes options for mitigation that include conservation easements. **2004**

**SB 1369 – FIRE PROTECTION**

This measure increases clearance requirements for structures in fire-prone state responsibility areas to 100 feet, requires compliance with building codes in state responsibility areas, and authorizes liens to reimburse the state must when it undertake the clearance. **2004**

**SB 317 – SALTON SEA RESTORATION AND WILDLIFE AND HABITAT PROTECTION**

This measure is one of three laws enacted to implement the Quantification Settlement Agreement that reduces California's use of Colorado River water to 4.4 million acre-feet each year. It establishes preconditions necessary for Southern California agencies to execute the Quantification Settlement Agreement, a key agreement to prohibit over-reliance on Colorado River water. It establishes criteria for funding, habitat protection, and wildlife protection. It also establishes the Salton Sea Advisory Council along with a process for considering ways to restore the Salton Sea. **2003**

**SB 445 – COASTAL ZONE “OFFERS TO DEDICATE”**

This law clarifies previous legislation regarding the Coastal Conservancy's obligation to accept “Offers to Dedicate” (OTD). It specifies that the Conservancy must accept only those OTDs that are located within its jurisdiction in the Coastal Zone and only if the Coastal Access Account Fund contains sufficient funds for that purpose. **2003**

**SB 649 – MINE RECLAMATION PROGRAM**

This mining reform measure prohibits mines not in compliance with state law from selling their product to local governments, increases reporting fees, and creates a new fund for abandoned mine reclamation based on increased fees on hard rock (gold and silver) production. **2003**

**SB 692 – OMNIBUS FISH AND GAME CODE CHANGES**

This law makes numerous technical changes to the Fish and Game Code, including the creation of a new Bay-Delta fishing stamp that replaces the previous striped bass stamp. Sales of the stamp are to be used by the Department of Fish and Game to protect fisheries in the Delta. **2003**

**SB 694 – NATURAL RESOURCES COMMITTEE OMNIBUS MEASURE**

This measure deletes obsolete provisions, makes a clarification to the funding formula for expenditures related to Sudden Oak Death, and creates a separate fund for the State Coastal Conservancy. **2003**

**SB 1346 – RUBBERIZED ASPHALT CONCRETE**

This law authorizes the California Integrated Waste Management Board to award grants to local governments for utilizing rubberized asphalt concrete (RAC) in public works projects. By encouraging the use of RAC, the law strengthens the market for use of crumb rubber products from recycled tires in the state. **2002**

**SB 1374 – CONSTRUCTION & DEMOLITION RECYCLING**

This law requires the California Integrated Waste Management Board (CIWMB), local governments and industry groups to collaborate in creating model ordinances for 50-75% diversion of construction and demolition waste. This law provides the needed tools including model ordinances and other program suggestions by the CIWMB, to help cities and counties institute construction and demolition waste diversion. Furthermore, the law provides local governments an incentive to do so by requiring the CIWMB to take both the construction and demolition diversion efforts and the impact of construction and demolition waste on the local waste stream into consideration when imposing fines on communities that have not met the AB 939 requirements. **2002**

**SB 1381 – SANTA MONICA BAY RESTORATION COMMISSION**

This law codifies the existing Santa Monica Bay Restoration Project by creating the Santa Monica Bay Restoration Commission. The law keeps the Commission under the State Water Resources Control Board and specifies that existing funds already appropriated to the Project are available for the Commission. The Commission serves as the clearinghouse for state and federal funds to ensure that projects do not conflict with each other. **2002**

**SB 1393 - CEQA CLEAN UP**

This law makes modest procedural changes to the California Environmental Quality Act to enhance its enforcement, and requires the Resources Agency to begin the process to review the certified regulatory programs that many state agencies use in lieu of CEQA when conducting environmental reviews. **2002**

**SB 2065 – RADIATION WASTE TRACKING**

This law requires generators and shippers of low-level radioactive waste (LLRW) to forward information on amounts of LLRW shipped and stored to the State Department of Health Services (DHS). A summary report that aggregates information by county must be available to the public. Members of the Legislature may have access to site specific data. DHS must report on the amounts of LLRW generated in each of 10 categories, such as research, medicine, power generation, and industrial uses. For security reasons, the public report may aggregate more than one county. **2002**

**SB 2090 – FISH & GAME CODE CLEANUP**

Most of the provisions of this law removed obsolete code sections. For example, one outdated code section regulated Coho salmon fishing. Coho salmon, however, have since been listed as endangered and cannot be taken without a take permit under the California Endangered Species Act. Other provisions dealt with technical issues such as the surf perch fishery that Department of Fish Game already regulates under their general authority, but not under the Marine Life

Management Act (MLMA), which is supposed to provide coordinated regulatory programs. This law placed the surfperch and other lesser-known fisheries under the MLMA. **2002**

#### **SB 2091 – PUBLIC RESOURCES CODE RELATING TO STATE PARKS**

This law repealed a provision of law that granted a license to a private contractor for a hotel and other developments at Crystal Cove State Park in Orange County. The California Department of Parks eventually terminated the private contract, rendering this provision unnecessary. **2002**

#### **SJR 52 – CALIFORNIA WILD HERITAGE ACT**

This resolution memorializes the President of the United States and Congress to enact S. 2535, the California Wild Heritage Act of 2002. According to Senator Boxer's staff, this resolution has aided their office in garnering support for this Act. **2002**

#### **SB 55 - CITY OF MALIBU/COASTAL COMMISSION**

Provides funding to the Coastal Commission to prepare and certify a local coastal plan (LCP) for the City of Malibu because Malibu, as required by AB 988 (Hertzberg), Chapter 952, 2000. **2001**

#### **AB 1927 - FEINBERG RIM OF THE VALLEY TRAIL**

This law renames the Rim of the Valley Trail the "Marge Feinberg Rim of the Valley Trail" after the person who originally envisioned the creation of the trail and worked so hard for its completion. **2000**

#### **AB 404 - CAPRA PROPERTY EXCHANGE**

This law directed the Department of General Services to accept a deed on behalf of the State Controller's Office, in lieu of estate taxes and interest due on 160 acres of property in the Santa Monica Mountains. The Malibu property, commonly referred to as the "Capra Property," was then transferred to the State Department of Parks and Recreation for public use. Under the provisions of this law, California acquired a 160-acre parcel of land in full satisfaction of an estate tax obligation of approximately \$1.2 million. The land's current fair market value was deemed greater than the amount of the estate tax obligation. **1999**

#### **AB 2789 - REHABILITATION OF MALIBU PIER**

The Malibu pier in Santa Monica Bay was heavily damaged by storms. This law allows the City of Malibu to extend its contracts with facilities and concessionaires to 30 years so that the city can better amortize its costs. **1996**

### **WATER**

#### **SB 196 – REGIONAL WATER BOARD MEMBERSHIP**

This measure requires that the next vacancy of a seat designated for a city or county representative on a regional water quality control board be filled by a City Councilmember or County Supervisor, respectively. **2003**

#### **SB 482 – WATER TRANSFERS**

This law established a framework for a water transfer to occur in southern California from the Imperial Valley to San Diego and the criteria by which California would begin restoration

activities at the Salton Sea, one of the most important spots for migratory birds in all of North America. The law expired on its own terms at the end of 2002 when the Imperial Irrigation District refused to participate in the water transfer. **2002**

#### **SB 2088 – PUBLIC RESOURCES & WATER CODE CLEANUP**

This law extends a deadline for a report on contaminated ballast water from ships, authorizes the continuation of work on contaminated sediments at the ports of Long Beach and Los Angeles, eliminates a requirement for a report based on an obsolete provision in the Public Resources Code dealing with chaparral, and authorizes an exchange of real estate in the City of Goleta so that a new county park could be established. **2002**

#### **SB 221 - SMART GROWTH FOR WATER**

This law requires developers who plan to build a subdivision of 500 units or more to provide evidence that there is sufficient water to serve the project in order to receive approval of a final subdivision map. It requires a showing that the water will actually be available before the units are occupied and defines sufficient water supply and sources that may be considered, including groundwater, and documentation needed to prove that the water is available. Procedures are also specified for local governments to follow if no public water system is in place. Finally, the law exempts in-fill redevelopment projects and low income housing. **2001**

#### **SB 72 - STORM WATER**

This measure improves the process by which storm water runoff permits are implemented by providing standardized criteria for the State Water Resources Control Board to consider when writing storm water run off permits, instead of requiring that each permittee test for a complete list of specific pollutants, some of which may not be applicable to an individual permit holder. **2001**

#### **AB 2886 - WATER QUALITY**

This is an omnibus water quality law sponsored by the State Water Resources Control Board. Among other provisions, it authorizes the board to clean up leaking underground storage tank sites when there is an emergency or when the owner fails to do so. **2000**

#### **AB 2019 - STORM WATER RUNOFF**

Contaminated storm water runoff is one of the leading causes for beach closures and pollution of waterways in California. This law provides uniform, predictable statewide enforcement to storm water permitting requirements. It also specifies penalties for failure to comply. **1998**

#### **AB 592 - METHYL TERTIARY BUTYL ETHER (MTBE) STANDARDS FOR DRINKING WATER**

In 1996, Santa Monica's water wells became contaminated with MTBE. Subsequently, MTBE began showing up in other wells and groundwater. This law requires the State Fire Marshal (SFM) to develop a data base of pipeline information that can be used for emergency response and program operations purposes. The Department of Health Services (DHS) and the State Water Resources Control Board (SWRCB) are required to provide GIS-based information to the SFM for the purposes of determining the identity of each pipeline that transports petroleum product

when that pipeline is located within 1,000 feet of a public water well. It also requires the SFM to adopt regulations for wellhead protection, authorizes SWRCB to annually expend up to \$5 million for the cost of treatment of the water supply when it has been contaminated with MTBE, requires DHS to adopt a drinking water standard for MTBE, and requires a scientific panel to make a recommendation on whether MTBE should be listed as a carcinogenic or reproductive toxin. **1997**

## **HEALTH**

### **SB 1245 – NURSE EDUCATION**

This bill creates new entry-level masters' degree programs at four campuses of the California State University that have professional nursing programs approved by the Board of Registered Nursing. **2004**

### **SJR 29 – FOOD MARKETING TO CHILDREN**

This resolution calls on the federal government to develop and implement nutrition standards for all foods and beverages acceptable to advertise to young children; prohibit the marketing of foods and beverages that do not meet those standards in venues with a significant audience of children; ensure equal time for messages during programs with significant youth audiences that encourage consumption of healthful rather than unhealthful foods and beverages; fund media campaigns to promote healthy eating and physical activity; and conduct additional research on the effects of marketing on children's health. The resolution also calls on the food, marketing, and media industries to adhere to a voluntary code of practice for responsible food and beverage advertising and marketing to children. **2004**

### **AB 525 - ACCESS TO REPRODUCTIVE HEALTH SERVICES**

This law requires any health care service plan, disability insurer, or Medi-Cal managed care plan to provide a specified written statement to potential enrollees informing them that some hospitals and other providers do not provide reproductive health services and requiring that information as to specific places that deny such services be made available. **2000**

### **AB 1760 - NURSE TO PATIENT RATIO CLEANUP**

This law extends the date for adoption of regulations mandating licensed nurse to patient ratios for hospitals by the Department of Health Services to January 1, 2002, and deletes the phase-in provisions for Los Angeles County hospital. **2000**

### **AB 2427 - NEWBORN GENETIC TESTING**

This law remedies problems within the California Newborn Screening Program which tests for genetic diseases. It specifies under what conditions tandem mass spectrometry (TMS) should be used; what fees should be collected to pay for the testing; and what funds should be used to determine the efficacy of TMS in mitigating the effects of genetic diseases in newborns. **2000**

### **AB 394 - NURSING STAFF RATIOS**

This law requires the California Department of Health Services to determine the minimum licensed nurse to patient ratios for hospitals. The law also prevents hospitals from assigning



nursing care that requires substantial scientific knowledge and technical care to unlicensed assistive personnel. Numerous studies have documented that patients in hospitals today are sicker and require more intensive nursing care than patients of several years ago. In addition, numerous studies have documented a clear and direct relationship between low skill mix, *i.e.* fewer licensed nurses to higher numbers of patients and increased infections, higher mortality rates, increased illness, and increased errors. A recent survey shows that 37% of nurses reported caring for more than 8 patients at a time. The most frequently cited reason (55%) for nurses wanting to end their nursing careers was “burnout or the physical demands” of nursing. Providing patients with appropriate access to licensed nurses while they are hospitalized was seen as a public health necessity. **1999**

#### **SB 21 - HEALTH PLAN LIABILITY FOR MEDICAL DECISIONS-FIGUEROA & KUEHL**

This law, which was part of a comprehensive package of health reform bills that was enacted in 1999, makes health plans legally responsible for the medical decisions they make in denying or delaying care to their beneficiaries. **1999**

#### **AB 2645 - PREGNANCY PREVENTION GRANT CLEANUP**

This law extended the sunset of the Teenage Pregnancy Prevention Grant Program. The original legislation, in setting a sunset, did not take into account the time needed to establish the program. Without this legislation the 5 year grant program would have been reduced to a 4 year program. **1998**

### **EDUCATION**

#### **SB 71 – THE CALIFORNIA COMPREHENSIVE SEXUAL HEALTH AND HIV/AIDS PREVENTION EDUCATION ACT**

This act requires that students receive accurate information about abstinence, human sexuality, contraception, pregnancy, and sexually transmitted diseases in sexual health education and HIV/AIDS prevention classes. The measure consolidates all the statutes regarding sexual health education and HIV/AIDS prevention into one chapter of the education code and sets out specific guidelines for instruction on these topics. Additionally, the measure respects the right of parents to supervise their child’s education in these areas by requiring a streamlined notice to parents at the beginning of the year informing them of all planned instruction or evaluation related to these topics and allowing parents to exclude their child from all or part of that instruction or related evaluation. Parents are also informed of their right to review all the materials on these topics proposed for use during the year and informed that they have a right to request a copy of this revised chapter of the education code outlining the guidelines for sexual health and HIV/AIDS prevention education. **2003**

#### **SB 719 – SCHOOL SAFETY PLANS**

This clean up measure deletes obsolete language relating to school safety plans, reorganizes and renumbers the statutes, and updates the law to reflect the current comprehensive strategies and practices used by the School Safety Law Enforcement Partnership to address statewide school safety planning needs. **2003**

**AB 692 - SCHOOL SEXUAL ASSAULT HEARING PROCEDURES**

This law provides procedural protections for young people who have been sexually assaulted by other students on elementary and secondary school campuses and reflects the same serious treatment given to students who bring weapons to school or sell drugs. **1995**

**AB 789 - AFTER-SCHOOL PROGRAMS FOR CHILDREN**

This bill would have provided funds for after-school programs for young adolescents in neighborhoods where they are at risk for gang recruitment or for school failure. The provisions of this bill were incorporated into AB 442 (Alpert) with Kuehl as co-author. **1995**

**AB 1506 - COMMUNITY COLLEGES: BENEFITS**

This law authorizes the Santa Monica Community College District and the Mt. San Antonio Community College District to establish their own post-retirement health benefit coverage and was done at the request of the Santa Monica Community College District. **1995**

**COMMERCE & LABOR****SB 1325 – MEDICAL STAFF RIGHTS**

This measure places a minimum set of rights for professional medical staff in statute that cannot be contravened through the enactment of bylaws and that must be approved by a hospital's governing board. Examples include the right to appoint medical staff officers, hire an attorney, and collect dues. **2004**

**SB 1456 – COMPANION VEHICLE TO SB 1325**

This measure was used as vehicle for a companion bill to SB 1325, above, on the Assembly Floor. **2004**

**SB 1465 – EMPLOYMENT RECORDS**

This measure helps to ensure that all California employees, including those represented by labor unions, have equal privacy protections related to their employment records. Specifically, the law requires that when a subpoena for documents is sent to a labor union for records related to a current or former member's employment, the same rules apply to that subpoena process that would apply if the employer were the one being subpoenaed. **2004**

**SB 727 – PAID FAMILY LEAVE CLEANUP**

This measure was a technical clean up bill for the Paid Family Leave Act. Among other provision, this law clarified how an employee could serve the waiting period for Paid Family Leave benefits while providing care for a chronically ill family member. **2003**

**SB 1661 - PAID FAMILY LEAVE**

This groundbreaking law provides up to six weeks of partially paid leave to care for a seriously ill family member or new child through an expansion of the State Disability Insurance program. The program will be funded entirely through contributions from employees, with the average employee's contribution for the new program being approximately \$2.25 a month. The bill also

allows an employer to require an employee to use up to two weeks of accrued vacation prior to using their family leave and requires an employee to certify that no other family member is able and available to provide the care. **2002**

#### **SJR 40 – INTERNATIONAL INVESTMENT AGREEMENTS**

This resolution memorializes the President of the United States and Congress that Congress and the U.S. Trade Representative (USTR) should preserve the traditional powers of state and local governments and ensure that investment rules do not undermine traditional police powers of state and local governments to protect public health, conserve environmental resources, and regulate fair competition. It notes that current agreements do not safeguard state and local laws protecting human or animal health, environmental resources, human rights, or labor rights. **2002**

#### **AB 484 - FILM CALIFORNIA FIRST**

This law is designed to help stem the flood of ‘runaway productions,’ the flight of movie and television productions to Canada and other locations. It creates the “Film California First Program” within the State Trade and Commerce Agency (TCA) to assist in the underwriting of actual costs incurred by production companies filming in California. It authorizes TCA to pay and reimburse up to \$300,000 for any one film for costs incurred by film production companies that would be owed to public entities. It also establishes the “Film California First Fund” in the State Treasury and continuously appropriates moneys deposited in the fund to the TCA for purposes of this program. **2000**

#### **AB 2860 - TALENT SERVICES CLEANUP**

This law narrows the definition of an advance-fee talent service and corrects a drafting error from AB 884 (Kuehl), Chapter 626, 1999. **2000**

#### **AB 848 - FILM/MOVIE INDUSTRY COASTAL PERMITS**

This law reduces the time required for the entertainment industry to obtain a temporary coastal permit, which is required to film on the coast, by allowing local governments to elect to have the Coastal Commission be the sole permitting agency for temporary permits related to the entertainment industry. Prior law could require a movie company to go through both the local government permit process, and a Coastal Commission appeal which could take up to 100 days-- nearly twice as long as neighboring states take to issue a similar permit. **1999**

#### **AB 884 - ADVANCE-FEE TALENT SERVICES**

This law regulates advance-fee talent services, those businesses that offer career development services to artists conditioned upon an up-front fee. According to the provisions of this law, advance-fee talent business services are required to post a \$10,000 bond with the state. Moreover, they are required to have their contracts with clients reviewed and approved by the State Labor Commissioner. Finally, the law delineates unlawful acts such as fee splitting and false advertisement. **1999**

#### **AB 1268 - LABOR DISPUTES**

This law provides stronger legal protections to labor unions and strikers. It achieves this goal by making California's labor law, embodied in the state's Moscone Act, consistent with several

provisions of the federal Norris-LaGuardia Act. Specifically, the law requires that before a union can be held liable for the unlawful acts of its members in a labor dispute, there must be "clear and convincing" proof of actual participation by the union or at least authorization by the union for those acts. Additionally, the law conforms state law to the federal Norris-LaGuardia Act by requiring that parties seeking an injunction against strikers must follow the same procedures and requirements contained in federal law. **1999**

#### **AB 2692 - ACCELERATED DEPRECIATION OF ELECTRIC VEHICLES**

This law provides an incentive for businesses to purchase or lease ultra low or zero emission vehicles at little cost to the state. Currently, businesses are allowed a tax deduction for the depreciated value of a car purchased for the business, but must take the deduction over a 5 year period. This bill allows the depreciation of ultra-low and zero emission cars to be calculated, instead over a 3 year period. This bill placed as a provision in a budget bill AB 2797, **1998**.

#### **AB 617 - SUBPOENA OF EMPLOYMENT RECORDS**

This law requires that employees or former employees receive notice and have an opportunity to object to the production of their personal employment records when they are subpoenaed. **1995**

### **PUBLIC SAFETY**

#### **SB 1311 – EMERGENCY COMMUNICATIONS**

This law allows, but does not require, cellular phone carriers to give priority to calls made by public safety agencies. Under this arrangement, police and fire departments would receive the next free line whenever attempting to place a call using a cellular phone. As a result of this priority access, calls transmitted between emergency workers would not be blocked due to impacted cellular phone lines. This law allows local public safety agencies to enter into contracts with willing service providers to give their calls priority over calls placed by those other than public safety agencies. The law also requires the contracts to comply with applicable federal law. **2002**

#### **SB 1320 – STALKING**

Defendants charged with the crime of stalking were often acquitted under a previous law that required the victim to demonstrate both a "credible threat" and "the intent (by the perpetrator) to place that person in reasonable fear." This law, instead, provides that anyone who willfully, maliciously, and repeatedly either follows or harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family, is guilty of the crime of stalking. **2002**

#### **SCR 73 – SEXUAL ASSAULT AWARENESS MONTH**

This resolution designates the month of April as Sexual Assault Awareness Month. It notes that a woman is raped every 46 seconds in the U.S. and that sexual assault is a "silent epidemic." It is estimated that one in three women, one in four girls, one in six boys, and one in eleven men will be victims at least once in their lifetimes. **2002**

**AB 1222 - PRIVATE PRISONS**

This law ensures that any importation of out-of-state inmates by private prison operators into California is accomplished through the mechanisms incorporated in the Interstate Corrections Compact Act and the Western States Interstate Compact Act. It also ensures consistent handling of any out-of-state inmates, regarding programming and security level and clarifies jurisdictional responsibility in the event of a prison escape. Effectively, this law requires that private prison companies contract with California's Director of Corrections in order to house out-of-state inmates here. **1999**

**AB 2569 - DRUG FREE ZONES**

This law extends the sunset on Drug-Free Zones and adds public libraries to the list of Drug-Free Zone sites. **1998**

**JUDICIARY & OTHER CIVIL LAW****SB 515 – ANTI-STRATEGIC LAWSUIT AGAINST PUBLIC PARTICIPATION  
APPEALS MOTION (SLAPP)**

This measure prevents abuse of the anti-SLAPP motion by denying corporations and other entities the ability to use the anti-SLAPP motion when the litigation concerns marketing or sale of a product, or when the suit is a class-action case or brought in the public interest under private attorney general statutes. Also, if the anti-SLAPP motion is denied because the defendant is a commercial entity bringing a product or service to the market, there is no immediate appeal of the denial of the anti-SLAPP motion. The law, in effect, prevents a commercial defendant from using the anti-SLAPP motion with no factual basis in order to obtain the automatic right of appeal and thereby delay litigation. **2003**

**SB 1325 – PERSONAL JURISDICTION**

This provision conforms state law to federal law regarding personal jurisdiction. It allows a party to appear to contest personal jurisdiction and answer a complaint at the same time without waiving personal jurisdiction. Under the previous law, if you answered a complaint, you had appeared and, therefore, were subject to the jurisdiction of the court. You then had to go through two separate Law and Motion procedures to first contest jurisdiction, and then to answer if your motion was denied. **2002**

**SB 1897 – STATE BAR**

This law suspends for one year the current absolute right of an unsuccessful applicant for admission to the State Bar of California to inspect his or her examination documents and instead limits that right to inspect to only those examination papers that are in the actual, physical possession of the examining committee. The law also makes technical changes to the Bar's election procedures, facilitates the proposed separation of the Conference of Delegates from the State Bar and the establishment of an independent, nonprofit successor, authorizes the Bar to collect funds on behalf of the California Supreme Court Historical Society via the Bar's annual fee invoice, and makes a technical change to the State Bar Act regarding the name of the committee of the Board of Governors that has oversight over the Bar's Chief Trial Counsel. **2002**

**SB 352 - STATE BAR MEMBERSHIP FEES**

This measure authorizes the State Bar of California (State Bar) to collect up to \$390 as annual State Bar membership dues for the years 2002 and 2003. It also reduces from \$40 to \$35 the amount the State Bar is authorized to assess for funding of the Client Security Fund (CSF) and repeals obsolete provisions of the State Bar Act. The enactment of this law was contingent upon the enactment of SB 479 (Burton) that has been signed by the Governor. **2001**

**AB 1669 - CIVIL LAW OMNIBUS**

AB 1669 was the Assembly Judiciary Committee's annual omnibus civil practice and procedure bill, which made technical changes to various codes. **2000**

**AB 2884 - JUDGES' SALARIES**

This law increased the salaries of judges of the Supreme Court, Appellate Court, Superior Court, and Municipal Court by 8%. **2000**

**AB 2912 - DISCOVERY REFEREES**

This law implemented recommendations of a Judicial Council Task Force regarding the court appointment of referees. **2000**

**AB 2914 - TIME FOR SERVICE MOTIONS CLEAN-UP**

This law provided that where an *ex parte* temporary restraining order is issued with notice to the responding party in a family law matter, the applicant must serve any supporting documents on the respondent at least 15 days before the hearing. **2000**

**AB 1672 - CIVIL LAW OMNIBUS BILL**

AB 1672 was the Assembly Judiciary Committee's annual omnibus civil practice and procedure bill, dealing with, among other things: legal document assistants; process servers; bonds; administrative penalties; *in forma pauperis* fee waivers; and auditors and tax collectors. **1999**

**AB 1673 - MUNICIPAL COURT STAFFING**

AB 1673 was the Assembly Judiciary Committee's annual municipal court staffing omnibus law. It made changes relative to staffing, employee classifications, and compensation in the California municipal courts. It was sponsored by the Judicial Council and was the result of locally negotiated agreements between counties and court employees. (Committee Bill) **1999**

**AB 1675 - CIVIL PROCEDURE: RIGHT OF FREE SPEECH AND PETITION**

Several years ago, legislation was passed to give defendants who are SLAPPed (Strategic Lawsuit Against Public Participation) the ability to file a special motion at the beginning of the litigation to have the suit dismissed, and make the party that filed the lawsuit pay the defendant's attorney fees. SLAPP suits are sometimes used to intimidate private citizens into silence if they criticize a development project, employer, or rental property (i.e.) in the media. In one example, a landlord sued tenants who had criticized the safety of their apartment building to a newspaper reporter. Current law, however, did not address what happens if the court refused to throw the case out of court even if it appears to be a SLAPP suit. This law addresses this point by giving

the defendant the right to an immediate appeal if the lawsuit is not dismissed at the beginning of the litigation. **1999**

### **AB 1676 - PROHIBITION ON PRIVATELY-PURCHASED REVERSALS OF JURY DECISIONS**

This law brings California in line with virtually all other state courts, and all federal courts, on the use of so-called “stipulated reversals.” Stipulated reversals were permitted in California appellate courts whenever the parties to a lawsuit simply asked an appellate court to reverse a trial court judgment – (a decision of the court) – as part of a private settlement agreement. This practice abrogated the court’s duties to the public, and led to a perception of justice for sale.

This law overrules that practice. **1999**

### **AB 2787 - STATE BAR OMNIBUS BILL**

This law dealt with a wide variety of issues concerning attorney discipline and enforcement of disciplinary orders. It includes provisions relating to disclosure of information, pleas in State Bar proceedings, disbarment for out-of-state convictions, fees, enforcement of mediated agreements, discovery restrictions, and confidentiality of State Bar employees’ addresses. **1996**

## **LANDLORD/TENANT**

### **SB 345 – OMNIBUS TENANTS RIGHTS**

This measure addresses blacklisting of tenants, attaching of documents to eviction actions, and reporting of public housing authority evictions of domestic violence victims. **2003**

### **SB 1403 – TENANTS & LANDLORDS**

This law requires a 60-day notice statewide for “no-fault” terminations of tenancy. It also requires written notice before a landlord may enter a dwelling, except in emergencies.

Additionally, it expands the conditions under which a court can permit a tenant to stay in a rental, so long as full restitution is made. In rent control cities, this law provides that new tenancies created within five years of an Ellis Act notice, or within five years from the date the units are withdrawn from the market, must be rented at the same rate as before, under rent control. **2002**

### **SB 985 - REAL PROPERTY**

Closes a loophole in law that allows landlords to evict tenants and raise rents by simply “preparing” to convert a rental unit to a condominium and, instead, requires landlords to actually sell a unit, rather than merely initiate the conversion paperwork in order to have rent controls removed. Establishes a pilot project that increases the notice period given to tenants who are being evicted without cause from 30 days to 60 days in the cities of West Hollywood, Santa Monica, and Los Angeles. This increased notice provision applies only to those tenants who have lived in their rental unit for more than a year. Finally, requires a landlord to provide a tenant with several pieces of basic information: a copy of the lease; the name, telephone number, and street address of the manager; and the time and method (e.g. personal check, cashier’s check, etc.) in which the rent must be paid. If a landlord serves a tenant with a three-day notice, the

landlord must reiterate instructions for paying the rent. If the address provided by the owner does not allow the tenant to deliver the rent in person (e.g. a post office box), the law clarifies that the rent is to be deemed received by the landlord on the date on which it is mailed provided the tenant has proof of mailing. **2001**

## **ANIMALS**

### **SB 175 – CONTROL OF VETERINARY DRUGS**

This measure modifies the definition of a dangerous drug or device to clarify the Board of Pharmacy's authority to regulate all dangerous drugs regardless of whether such dangerous drugs are for human or animal use. **2003**

### **SB 1345 – ANIMAL BLOOD BANKS**

This law ensures that the hundreds of dogs and cats kenneled in this state and used as blood donors receive minimum standards of husbandry and health care. This law requires blood banks to submit a protocol describing how they provide housing and health care for these blood donors. The protocol will specify frequency and volume blood drawn per animal, identification of individual donors, socialization and exercise programs and basic husbandry standards. The Department of Food and Agriculture will conduct annual inspections of the blood banks as well as of the kennels with which they contract to house their animals. Finally, the law requires each facility to have an oversight veterinarian on record. **2002**

### **AB 2479 - PREVENTION OF CRUELTY TO ANIMALS SOLD AS FOOD**

This law establishes regulations to prevent cruelty to specified animals sold live as food in markets. Violations of these regulations will result in a written warning and subsequent violation punishable by a fine of not less than \$250 or more than \$1,000. **2000**

## **MISCELLANEOUS**

### **SB 1462 – MILITARY GREENWAY**

This measure requires the military to provide electronic maps of defense facilities and flight paths to the state. The state then provides this information to local governments so that they may provide notice of land use projects that affect the military at the earliest stage in order to provide the military with the opportunity to avoid negative effects to the Department of Defense interests and to mediate differences. **2004**

### **SB 504 - EXPOSITION LINE CONSTRUCTION AUTHORITY**

This measure establishes a construction authority to undertake final design and construction of the Exposition Light Rail Line to Santa Monica if funds are made available. It requires the establishment of a governing board and operational rules for the Authority to follow. **2003**

### **SB 238 – COUNTY LIBRARY IN REGIONAL PARK**

This law allows Los Angeles County to build and operate a public library in the Schabarum Regional Park. **2002**



### **SB 348 – STATE MANDATE CLAIMS AGAINST THE STATE**

This law is the 2001 Commission on State Mandates claims appropriation. It appropriates \$192.4 million, including \$103.4 million from Proposition 98 General Fund, \$42,000 from the State Transportation Fund, and \$89.0 million from the General Fund to the State Controller's Office to reimburse school districts and local agencies for specified state-mandated local costs. **2001**

### **AB 858 - REDUCTION OF VEHICLE LICENSE FEES**

Originally AB 858 would have prevented California employers from forcing employees to waive their right to a jury trial, access to a judicial forum and to discrimination protections in order to get or keep a job. It set forth the policy of this state to ensure that employees have the full benefit of constitutional, statutory, or common law rights and protections and that they could not be coercively deprived of those rights and protections. However, AB 858 was amended by the Senate, which stripped it of its provisions and instead modified vehicle license fee (VLF) offsets for the year 2001 and thereafter by reducing the fees. The law also provided that any city and county revenue losses incurred by the reduction in fees would be reimbursed by the state. **2000**

### **AB 1983 – FAIR PLAN SURCHARGES**

This law provides that, if the FAIR Plan policy of a property owner would be subject to a brush surcharge solely because of an adjacent property owner's failure to comply with applicable laws and ordinances regarding brush clearance requirements, the surcharge would instead be imposed on the FAIR Plan policy of the adjacent owner. **2000**

### **AB 2611 - DISOLUTION OF GEOLOGIC HAZARD ABATEMENT DISTRICTS (GHAD)**

GHADs wield considerable power over homeowners within their jurisdiction, including power to tax, enter onto private property, and undertake significant public works projects. This power is typically held in check by a plan of control, approved by the municipality that sets the limits of the GHAD's jurisdiction and authority. In Malibu a GHAD was allowed to form before it had filed a plan of control. An arrangement was agreed to by all parties that the GHAD would either submit an acceptable plan of control to the City in the near future or it would dissolve. Neither happened, and litigation ensued. Current law provided no authority to prevent GHADs from acting outside its original purpose nor was there any authority for cities or home owners to dissolve GHADs. This law allows the legislative body which formed the GHAD to dissolve it under certain conditions. **1998**

### **AB 710 - GETTY MUSEUM LIQUOR LICENSE**

This law authorizes the Department of Alcoholic Beverage Control to issue a general license to the Getty Museum to permit the licensee to sell, serve, or give alcoholic beverages to persons for consumption on the premises of the museum. **1997**

### **ACR 52 - HONORING NONPROFIT WEEK**

This resolution honors the contributions that nonprofit organizations provide to California. **1996**